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COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Austria, Belgium*, Denmark, Finland*, Iceland*, Ireland, Liechtenstein*, Luxembourg*, Netherlands, Norway*, Portugal*, Sweden*, Switzerland*, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

1997/... Situation of Human Rights in China

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that China is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recognizing the significant transformation Chinese society has undergone since the introduction of the reform policies and the successful efforts of the Government of China in the development of the economic situation of the country and in reducing the share of its people living in extreme poverty, thus enhancing the enjoyment of economic rights,

Taking note of the reports of the Special Rapporteurs on the question of torture and other cruel, inhuman or degrading treatment or punishment (E/CN.4/1997/7), on freedom of opinion and expression (E/CN.4/1997/31), on the independence of judges and lawyers (E/CN.4/1997/32), violence against women (E/CN.4/1997/47), on extrajudicial, summary or arbitrary executions (E/CN.4/1997/60) and on all forms of intolerance and of discrimination based on religion or belief (E/CN.4/1997/91, as well as the reports of the Working Group on Arbitrary Detention (E/CN.4/1997/4 and Add.1) and the Working Group on Enforced or Involuntary disappearances (E/CN.4/1997/34),

1. Welcomes

(a) The readiness of the Government of China to exchange information on human rights issues;

(b) Progress on the codification of China's legal practice, including changes to China's criminal procedure law;

(c) China's expressed interest in acceding to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;

2. Expresses its concern

(a) At continuing reports of violations of human rights and fundamental freedoms in China by local, provincial and national authorities and severe restrictions on the rights of citizens to the freedoms of assembly, association, expression and religion as well as to due legal process and to a fair trial;

(b) At increased restrictions on the exercise of cultural, religious and other freedoms of Tibetans, including the case of the eleventh Panchen Lama, Gedhun Choekyi Nyima;

(c) At the persecution and harsh sentences imposed on persons who have peacefully availed themselves of their freedom of assembly, association, expression or religion;

3. Calls upon the Government of China

(a) To ensure the observance of all human rights in accordance with its obligations under the human rights conventions to which it is a party, and to become party to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;

(b) To take further measures to improve the impartial administration of justice;

(c) To release political prisoners;

(d) To preserve and protect the distinct cultural, ethnic, linguistic and religious identity of Tibetans and others;

(e) To continue to strengthen its bilateral dialogues as an important instrument of mutual information and cooperation, with a view to reaching further positive developments before the next session of the Commission on Human Rights;

(f) To cooperate fully with all thematic special rapporteurs and working groups of the Commission on Human Rights and to engage in a dialogue with the High Commissioner for Human Rights in accordance with the High Commissioner's mandate;

4. Decides to request the High Commissioner on Human Rights to report on the progress of the High Commissioner's dialogue with the Government of China and on the points reflected in the present resolution to the Commission on Human Rights at its fifty-fourth session.